IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33610 of 2007(A)

PETITIONER:

C.GANESAN, CHERIKUZHI PARAMBE,
ELATHUR AMSOM, PUTHIYANGADI DESOM,
PUTHIYANGADI P.O., KOZHIKODE.

BY ADV. SRI.T.RAVIKUMAR
SMT.G.AMBILI

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE SECRETARY,
LOCAL SELF GOVERNMENT, GOVERNMENT OF KERALA,
TRIVANDRUM.

2. THE SECRETARY (SPL.GRADE),
ELATHUR GRAMA PANCHAYAT, P.O.ELATHUR,
KOZHIKKODE.

3. E.SUNDARAN, "DHANUSH", 12/230.
PUTHOORAMBALAM ROAD, PUTHIYANGADI P.O.,
KOZHIKODE-21.

BY G.P.SRI.K.J.MUHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO.33610 of 2007

Dated this the 14th day of November , 2007

JUDGMENT

Under challenge in this writ petition under Article 226 of the Constitution is Ext.P3 order of the Tribunal for Local Self Government Institutions. The petitioner, who purchased 7.70 cents of land from the 3rd respondent, approached the Tribunal For Local Self Government Institutions challenging the building permit which had been issued by the 2nd respondent to the 3rd respondent. The Tribunal noticed that one of the grounds of challenge was that the permit enables construction of a building very close to a well constructed by the petitioner on his property. The Tribunal further noticed that the well was constructed by the petitioner after the 3rd respondent had been issued with the permit. The Tribunal also noticed that even if the permit has been issued to the 3rd respondent, the 3rd respondent will not be entitled to carry out constructions in violation of the Building Rules. Under the impugned order, permission has been granted to the petitioner to approach the statutory authorities voicing his grievances.

2. Though the learned counsel for the petitioner has addressed

me very strenuously, according to me, the petitioner cannot have any legitimate grievance regarding the order passed by the Tribunal. Even as I confirm the order of the Tribunal, I permit the petitioner to file a complaint before the 2nd respondent voicing all his grievances within three weeks from today. If the petitioner files such a complaint before the 2nd respondent, the 2nd respondent will conduct immediate inspection of the 3rd respondent's premises with notice to the 3rd respondent and if it is seen that constructions are in violation of the permit or in violation of he statutory rules, stop memo will be issued to stop such illegal constructions. Final orders on the complaint to be submitted by the petitioner will be passed by the 2nd respondent after hearing the 3rd respondent and the petitioner also.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE,
JUDGE.

Dpk